

Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) (Text with EEA relevance)

## TITLE V

### **MONITORING OF PROCEDURES CONCERNING RESTRUCTURING, INSOLVENCY AND DISCHARGE OF DEBT**

#### *Article 29*

#### **Data collection**

1 Member States shall collect and aggregate, on an annual basis, at national level, data on procedures concerning restructuring, insolvency and discharge of debt, broken down by each type of procedure, and covering at least the following elements:

- a the number of procedures that were applied for or opened, where such opening is provided for under national law, and of procedures that are pending or were closed;
- b the average length of procedures from the submission of the application, or from the opening thereof, where such opening is provided for under national law, to their closure;
- c the number of procedures other than those required under point (d), broken down by types of outcome;
- d the number of applications for restructuring procedures that were declared inadmissible, were rejected or were withdrawn before being opened.

2 Member States shall collect and aggregate, on an annual basis, at national level, data on the number of debtors which were subject to restructuring procedures or insolvency procedures and which, within the three years prior to the submission of the application or the opening of such procedures, where such opening is provided for under national law, had a restructuring plan confirmed under a previous restructuring procedure implementing Title II.

3 Member States may collect and aggregate, on an annual basis, at national level, data on:

- a the average cost of each type of procedure;
- b the average recovery rates for secured and unsecured creditors and, where applicable, other types of creditors, separately;
- c the number of entrepreneurs who, after having undergone a procedure under point (b) of Article 1(1), launch a new business;
- d the number of job losses linked to restructuring and insolvency procedures.

4 Member States shall break down the data referred to in points (a) to (c) of paragraph 1 and, where applicable and available, the data referred to in paragraph 3 by:

- a the size of the debtors that are not natural persons;
- b whether debtors subject to procedures concerning restructuring or insolvency are natural or legal persons; and
- c whether the procedures leading to a discharge of debt concern only entrepreneurs or all natural persons.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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5 Member States may collect and aggregate the data referred to in paragraphs 1 to 4 through a sample technique that ensures that the samples are representative in terms of size and diversity.

6 Member States shall collect and aggregate the data referred to in paragraphs 1, 2, 4 and, where applicable, paragraph 3, for full calendar years ending on 31 December of each year, starting with the first full calendar year following the date of application of implementing acts referred to in paragraph 7. The data shall be communicated annually to the Commission, on the basis of a standard data communication form, by 31 December of the calendar year following the year for which data are collected.

7 The Commission shall establish the communication form referred to in paragraph 6 of this Article by way of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).

8 The Commission shall publish on its website the data communicated in accordance with paragraph 6 in an accessible and user-friendly manner.

### *Article 30*

#### **Committee procedure**

1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.